



Attorney Docket No. 56245 (70904)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS A.C. Lardo, et al. EXAMINER: Shay, D. M.
U.S.S.N.: 09/904,182 GROUP: 3739
FILED: July 11, 2001 Conf. No. 1162
FOR: APPLICATION OF PHOTOCHEMOTHERAPY FOR THE TREATMENT OF
 CARDIAC ARRHYTHMIAS

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
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**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. 1.191)**

Applicants hereby appeal to the Board from the decision of the Primary Examiner, mailed December 18, 2003 finally rejecting claims 20-29, 31-41, 48-50, 58 and 59.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))


I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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☐ transmitted by facsimile to the Patent and Trademark Office.


Signature

Date: May 18, 2004

Judy Daley
(type or print name of person certifying)

05/21/2004 AWONDAF1 00000105 09904182

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165.00 OP

(Notice of Appeal from the Primary Examiner to Board—page 1 of 3)



U.S.S.N. 09/990,429
Filed: November 21, 201
Art Unit: 1773

The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of

- ☐ other than a small entity.
☒ a small entity.

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2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. 1.17(b), the fee for filing the Appeal Brief is:

- | | |
|--|----------|
| <input checked="" type="checkbox"/> small entity | \$165.00 |
| <input type="checkbox"/> other than a small entity | \$330.00 |

Notice of Appeal fee due \$ 165.00

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$1,480.00	\$ 740.00

If an additional extension of time is required, please consider this a petition therefor.

- ☐ An extension for one month has already been secured, and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.



- (c) [XX] Applicants have concurrently filed a request for an extension of time and thus believe that no extension of term is required to be requested with the within Notice of Appeal. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fees due are:

Notice of Appeal fee	\$ 165.00
Extension fee (if any)	\$ 00.00
TOTAL FEE DUE \$	\$ 165.00

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5. FEE PAYMENT

- [X] Attached is a check in the sum of \$ 165.00
[] Charge Account No. _____ the sum of \$ _____.

6. FEE DEFICIENCY

- [X] If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 04-1105.

AND/OR


- [X] If any additional fee for claims is required, charge Account No. 04-1105.

May 18, 2004

Tel. No. (617) 439-4444

Customer No. 21874

BOS2_445044.1



SIGNATURE OF PRACTITIONER
William J. Daley, Jr.
Reg. No. 35,487
EDWARDS & ANGELL, LLP
P.O. Box 55874
Boston, Massachusetts 02205